

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

THE VIDEOTAPED DEPOSITION OF
RONALD MULLIKIN, produced as a witness on behalf
of the Plaintiff in the above styled and numbered
cause, taken on the 14th day of November, 2007, in
the City of Tulsa, County of Tulsa, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

1 Peterson?

2 **A** There were a number of things going on in the
3 poultry industry at that time. A number of senior
4 people had left Peterson Farms. My old superiors at
5 Wal-Mart or Sam's Club had been calling me
6 periodically asking me to come back, and I just felt
7 like that was the right thing to do at that time.

02:19PM

8 **Q** How would you characterize your job
9 satisfaction while you worked for Peterson?

10 **A** Good.

02:19PM

11 **Q** When you assumed the position, among your
12 other functions, of director of environmental
13 affairs for Peterson, what were the primary
14 environmental concerns the company had at that time?

15 **MR. McDANIEL:** Object to the form.

02:20PM

16 **A** I think the primary concern that they had was
17 to address the issues that were being raised by the
18 City of Tulsa. Certainly nationally there were
19 issues that were being raised about animal waste in
20 general, and so it was an opportunity for them to
21 possibly get a better understanding of what was
22 going on and how those things were going to affect
23 them.

02:20PM

24 **Q** To try to be more specific, let me ask you
25 this question: Were they concerned about the

02:20PM

1 waste that was generated at the contract growers'
2 farms?

3 **A** I knew that the contract growers were cleaning
4 out their buildings and that after talking to them
5 in various meetings, that most of it was either
6 being sold to neighbors or being used on their own
7 pasture lands.

02:32PM

8 **Q** When it was being sold to neighbors, did you
9 know what the neighbors were doing with it?

10 **A** No. I could only assume what they were doing
11 with it.

02:32PM

12 **Q** Which was putting it on their pasture lands?

13 **A** That's correct.

14 **Q** Do you have any knowledge about or did you
15 learn while you were employed at Peterson Farms that
16 typically what had been done over the years with
17 waste generated at contract growers' farms was land
18 application in the nearby area to where it was
19 generated?

02:33PM

20 **MR. McDANIEL:** Object to the form.

02:33PM

21 **A** It was my understanding that poultry litter
22 had been placed on pasture lands throughout
23 northeast Oklahoma and northwest Arkansas for
24 decades.

25 **Q** During the time you worked at Peterson, was

02:33PM

1 Q It won't cause an algae bloom if it stays on
2 the field, though, will it?

3 MR. McDANIEL: Object to the form.

4 A I don't know how it could.

5 Q Okay. Were these -- was -- were those facts 02:49PM
6 you were just telling me about well known by people
7 in the management level at Peterson Farms while you
8 were employed there?

9 MR. McDANIEL: Object to the form.

10 A One of my responsibilities was to make them -- 02:49PM
11 let me start over again. One of my responsibilities
12 was trying to help them understand all facets and
13 factors that were impacting this particular problem.

14 Q Okay. Did you have discussions such as the
15 one you and I were just having about problems with 02:49PM
16 phosphorus being land applied with management level
17 people at Peterson?

18 MR. McDANIEL: Object to the form.

19 A Many times.

20 Q The first sentence of the article gets back to 02:50PM
21 what you were just telling me about. I think you
22 will agree it says, soluble phosphorus entering
23 water bodies from agricultural land can foster algae
24 and aquatic weeds, which can deplete oxygen, kill
25 fish and cause objectionable odors. Do you agree 02:50PM

1 with that today?

2 MR. McDANIEL: Object to the form.

3 A Based on my understanding of how the whole
4 aquatic system works, yes.

5 Q Did you have that belief when you worked for 02:50PM
6 Peterson back in the 19 -- late 1990's?

7 A Yes.

8 Q Did you have discussions about that with
9 people at the management level of Peterson Farms?

10 A I did. 02:50PM

11 Q On the second page of the article, under the
12 heading land application it says at the top, quote,
13 most poultry producers land apply litter as a best
14 management practice. This can be an involved
15 process when phosphorus control is factored in 02:51PM
16 because producers must balance the phosphorus in
17 manure, fertilizer and soil to the needs of the
18 crop. Timing, application method, equipment
19 calibration, where the litter is placed and other
20 factors are important in limiting nutrient runoff. 02:51PM
21 Was that known to people in the management of
22 Peterson Farms while you were employed there?

23 MR. McDANIEL: Object to the form.

24 A I believe so.

25 Q Some of the things that are recommended in 02:51PM

1 this article to control phosphorus from poultry
2 waste were -- the first two I'm going to refer to
3 are found on Page 2, buffer strips 75 to 125 feet
4 wide around fields where waste is land applied,
5 phosphorus traps to catch phosphorus, and then on
6 the last page there are bullet points which list
7 applying the litter based on a crop's phosphorus
8 needs rather than its nitrogen demand, transporting
9 litter to other areas for land application in raw or
10 processed form, using feeds specially blended to
11 increase digestible phosphorus, adding phytase to
12 feed to convert indigestible phosphorus to
13 digestible phosphorus and treating litter in the
14 house with alum. During the period of time you
15 worked at Peterson Farms, were any of these methods
16 to control litter put into effect by Peterson?

02:52PM

02:52PM

02:52PM

17 MR. McDANIEL: Object to the form.

18 Q I should have said to control the amount of
19 phosphorus in the litter put into effect by
20 Peterson.

02:52PM

21 MR. McDANIEL: Object to the form.

22 A The various bullet points here -- I believe
23 all of those at one point or another were shared
24 with the growers, Peterson Farm growers. Many of
25 these were put into effect with company-owned

02:53PM

1 happened at that time?

2 **A** I believe it did. I believe, if I may, there
3 were a number of things that had been agreed to by
4 the -- a number of integrators and the City of Tulsa
5 that the integrators would do certain things. This 02:59PM
6 may have been a part of that. I don't recall.

7 **Q** Let me go back to the first sentence of this
8 letter before I leave it. Would that statement have
9 had equal application to the Illinois River
10 watershed as it would have had, say, to the 02:59PM
11 Eucha-Spavinaw watershed?

12 MR. McDANIEL: Object to the form.

13 **A** As I said, I don't have any recollection of
14 what was going on in the Illinois River watershed at
15 that time. I was primarily involved in the 02:59PM
16 Eucha-Spavinaw.

17 **Q** Were the practices of cleaning out grow houses
18 periodically and spreading the waste generated in
19 those by the birds owned by Peterson the same in the
20 watersheds adjoining the Eucha watershed as they 03:00PM
21 were there?

22 **A** And I don't know as I could answer that. I
23 know Peterson Farms had -- if memory serves me
24 correctly, when we looked at the number of total
25 chicken houses that were in the Eucha-Spavinaw, 03:00PM

1 Q Why did you feel, again, quoting your own
2 words, without any doubt that the company would be
3 found liable for the litter?

4 MR. McDANIEL: Object to the form.

5 A I felt that politically that was a decision 03:26PM
6 that would have been made because of those powers
7 pushing it that way, whether it was the EPA or the
8 City of Tulsa.

9 Q Next, let me direct your attention to the
10 second page. The next to the last paragraph where 03:27PM
11 you say, Dan, I feel the direction Peterson Farms
12 and all integrators would be best served to focus
13 its resources towards would be alternative uses.

14 Things such as using litter as bedding, feed,
15 fertilizer and fuel are just a few of the uses I've 03:27PM
16 found some information on. Each of these uses has
17 its own set of benefits and shortcomings, but they
18 all address the environmental need to stop applying
19 litter to our local pasture lands. In your position
20 as head of environmental affairs at Peterson Farms, 03:27PM
21 when you wrote that memorandum on March 27th, 1998,
22 why did you say that there was an environmental need
23 to stop applying litter to local pasture lands?

24 A Because, once again, of the loading of the
25 soils, the lands, the pasture lands of phosphates 03:28PM

1 Q Were you aware while you were employed by
2 Peterson that the waste produced by its birds
3 contained bacteria?

4 MR. McDANIEL: Object to the form.

5 A No. 03:45PM

6 Q Were you aware that poultry waste contains
7 pathogens?

8 MR. McDANIEL: Object to the form.

9 A I would have thought that it did, yes.

10 Q Okay. Do you know when you first became aware 03:45PM
11 of that?

12 A Well, my background in agriculture and farming
13 and raising livestock myself, as soon as I knew a
14 little bit about the business, I would have assumed
15 that to be true. 03:45PM

16 Q Was the subject of pathogens in poultry waste
17 ever part of any discussion you had within the
18 company while you worked there?

19 A Not that I recall.

20 Q Are you familiar with something called the 03:45PM
21 poultry water quality handbook?

22 A I believe so.

23 Q We've marked it as Exhibit 6 to your
24 deposition. What is your understanding of what the
25 poultry water quality handbook is? 03:46PM

1 **A** If I recall correctly, this was a document
2 that we had gotten a copy of and with the permission
3 of -- it says here the water quality consortium and
4 it was also the TVA, Tennessee Valley Authority, we
5 got permission to copy it and distribute it to all 03:46PM
6 of our growers.

7 **Q** Would you look at the second page of Exhibit
8 6. Do you see what that second page is?

9 **A** The letter by Dan Henderson?

10 **Q** Yeah. Do you remember having seen this letter 03:47PM
11 before?

12 **A** Yes.

13 **Q** Did you discuss with President Henderson
14 anything in this letter, the contents of the letter?

15 **A** I don't recall if I discussed it with him 03:47PM
16 specifically or not.

17 **Q** Did he ask your assistance in writing the
18 letter?

19 **A** I don't recall.

20 **Q** Did you know that the letter had been written? 03:47PM

21 **A** Did I know that the letter had been written?

22 **Q** Right. When did you first become aware that
23 Dan Henderson had written the growers this letter
24 about the poultry water quality handbook?

25 **A** Well, I would have thought that probably on a 03:47PM

1 **A** I don't know.

2 **Q** Okay. How long has it been since you last saw
3 Mr. Henderson?

4 **A** Probably two years.

5 **Q** Let me ask you to look in Exhibit 6 at page -- 03:50PM
6 it will say at the bottom. It has a stamp Pigeon
7 and it will have a four digit number after that and
8 this number is 0619. Would you look at that page?

9 **A** Okay.

10 **Q** Let me direct your attention to the heading 03:51PM
11 which says responsible waste management-the
12 environmental challenge.

13 **A** Okay.

14 **Q** First of all, do you recall having read this
15 before? 03:51PM

16 **A** I did not ever read the entire document.

17 **Q** Okay. Under that heading I just read, it says
18 over in the last paragraph, which is under that
19 heading that's on the right --

20 **A** Uh-huh. 03:51PM

21 **Q** -- column of the page, it says understanding
22 the complexity of poultry operations can help us
23 address these potential water quality and
24 environmental issues. The industry is separated
25 into hatchery, breeder, broiler, roaster, Cornish 03:52PM

1 and game hens, parenthesis, meat types, closed
2 parenthesis, and turkey, egg, duck and other poultry
3 and live bird processing operations. Each of those
4 operations produces dry or liquid waste and dead
5 birds. Recent developments have shifted 03:52PM
6 environmental awareness beyond live bird processing
7 plants, parenthesis, offal, feathers and wastewater,
8 closed parenthesis, to focus on growers. The shift
9 reflects an increasing awareness of how agricultural
10 runoff affects water quality. It also recognizes 03:52PM
11 that the growth of the industry and its
12 concentration in certain regions elevates animal
13 waste management to a status of a major problem.
14 Let me ask, first of all, if you agree with the last
15 statement, that the growth of the industry and its 03:52PM
16 concentration in certain regions elevates waste
17 management to a major problem?

18 MR. McDANIEL: Object to the form.

19 A I would have to answer that -- you know, I
20 don't think that you can say that you can put it in 03:53PM
21 the status of a major problem unless you have more
22 information. You know, it talks about the
23 concentration of certain regional areas. So --

24 Q Do you agree there has been a concentration of
25 poultry production in certain regions to use the 03:53PM

1 term here?

2 **A** Yes, and as it would pertain to northwest
3 Arkansas, I would agree with the statement.

4 **Q** Okay. Do you know if the people at the
5 management level of Peterson Farms when you were
6 there recognized that the growth of the industry and
7 its concentration in certain regions elevated animal
8 waste management to the status of a major problem?

03:53PM

9 MR. McDANIEL: Object to the form.

10 **A** I don't believe I ever heard them say that
11 specifically, but I would have a sense that they
12 did.

03:54PM

13 **Q** Look at Page 620, the next page over. In the
14 right-hand column again in the last paragraph it
15 says, the overriding environment issue facing
16 growers today is to prevent poultry waste from
17 adversely affecting water and air quality. First,
18 do you agree with that?

03:54PM

19 MR. McDANIEL: Object to the form.

20 **A** Yes.

03:54PM

21 **Q** Then it says potential water pollutants from
22 on-farm poultry operations can be classified as,
23 number one, nutrients and salts, number two, organic
24 materials, number three, bacteria and, number four,
25 viruses. Let me ask you just about the first two of

03:54PM

1 those, nutrients and bacteria. To your knowledge
2 when you were employed at Peterson Farms, did people
3 in the management level in the company take issue
4 with the idea that nutrients in poultry waste were a
5 potential water pollutant? 03:54PM

6 MR. McDANIEL: Object to the form.

7 A I don't believe so.

8 Q Were bacteria from poultry waste ever
9 considered to be a potential water pollutant by any
10 Peterson executives? 03:55PM

11 MR. McDANIEL: Object to the form.

12 A I don't recall those discussions.

13 Q Did you believe bacteria from poultry waste
14 were potential water pollutants?

15 A I don't recall having an opinion about it. 03:55PM

16 Q Let's look at Page 630, Pigeon 630 of the
17 water quality handbook, under the heading
18 microorganisms, which is the last paragraph on the
19 right.

20 A Uh-huh. 03:55PM

21 Q It says, desirable and undesirable
22 microorganisms live in our environment. Animal
23 waste is a potential source of some 150
24 disease-causing organisms or pathogens. These
25 organisms includes bacteria, viruses, fungi, 03:55PM

1 MR. McDANIEL: Object to the form.

2 A I don't recall any that I had. It was not --
3 my focus once again was primarily on the litter and
4 its potential problem as a phosphate source. I just
5 didn't get involved in the viruses, bacteria.

04:30PM

6 MR. RIGGS: We might be finished. I'll
7 pass the witness.

8 CROSS EXAMINATION

9 BY MR. McDANIEL:

10 Q I'm going to ask you a few questions, Mr.
11 Mullikin. Give me just a second to get reorganized
12 here. Mr. Mullikin, first off, you and I just --
13 the first time you and I ever spoke was in the lobby
14 downstairs prior to this deposition; is that
15 correct?

04:30PM

04:31PM

16 A Yes.

17 Q You've never met me before today; is that
18 true?

19 A No, I have not.

20 Q Okay. The -- in response to questions that
21 Mr. Riggs asked you, you've offered a number of
22 opinions. I just would like to clarify for the
23 Record that the opinions you are offering are your
24 personal opinions?

04:31PM

25 A That's correct.

04:31PM

1 Q Are you here speaking for Peterson Farms
2 today, Mr. Mullikin?

3 A No, I'm not.

4 Q Have you made any statement today, Mr.

5 Mullikin, that you intend to be binding upon 04:31PM
6 Peterson Farms?

7 A No.

8 Q When you were employed at Peterson Farms, you
9 were not an officer of the corporation; is that
10 correct? 04:31PM

11 A I was not.

12 Q So you were not authorized to make statements
13 that would be legally binding on Peterson Farms even
14 then; is that true?

15 MR. RIGGS: Object to the form. 04:32PM

16 A That's my understanding, yes.

17 Q Now, let's see. Mr. Riggs offered as exhibits
18 to your deposition a few memoranda that you wrote.
19 Let me get them organized here. I guess I see two,
20 Exhibit No. 4 and Exhibit No. 5? 04:32PM

21 A Yes.

22 Q Two memos that you wrote and, again, these
23 memos contain your personal views and opinions at
24 the time you drafted them; is that right?

25 A That's correct. 04:32PM

1 Q Am I correct that in your prior testimony you
2 said you had little involvement or personal
3 knowledge about operations that were ongoing in the
4 Illinois River watershed?

5 A That's correct. 04:34PM

6 Q So the opinions that are expressed in Exhibits
7 4 and 5 are not really applicable to the Illinois
8 River watershed; am I right or wrong about that?

9 A That would be right.

10 Q Looking at some of the comments you made in 04:34PM
11 your March 27th, 1998 memo, you said in the last
12 paragraph, first page, we are also faced with a lack
13 of science to help us understand where we are and
14 where we need to go, and you say agronomists can't
15 agree on the movement of phosphate, the water 04:35PM

16 solubility of the P in the litter and means of
17 making P more efficient in our feeds and how much P
18 in our soils is too much. You say agencies can't
19 agree on max soil levels. Did I read your
20 statements correctly? 04:35PM

21 A That's what it says.

22 Q Did you have the view at that time that there
23 were a lot of folks that didn't seem to have their
24 facts straight?

25 A There were so many varied opinions. You could 04:35PM

1 for instance, I don't know if it was the AG or just
2 I don't recall what it was, that had filed suit
3 stating that the growers, for instance, I believe it
4 was in a hog operation, vertically integrated
5 operation where they were liable, that the manure
6 created by the pigs was indeed the producers, and so
7 that was part of the issue that I was concerned
8 about, that it was going to continue to be driven
9 throughout the country.

04:39PM

10 Q Was this -- is this risk of liability or
11 excuse me, at the time you wrote the memo, was it
12 your view that this risk of liability was driven by
13 politics rather than science?

04:39PM

14 A Absolutely.

15 Q Let me ask you to look at Exhibit No. 5.
16 That's your other memorandum. Your -- at the very
17 last sentence where you say or it may mean our
18 industry must take -- excuse me, must make some
19 changes in the way we do business, you testified in
20 response to some questions from Mr. Riggs that I
21 believe you said that some of the ways of changing
22 doing business would be changing clean-out
23 intervals, looking at feed additives, et cetera. Is
24 that a correct statement or -- is that a correct
25 statement?

04:39PM

04:40PM

04:40PM

1 their fields, that water pollution will necessarily
2 result?

3 A No.

4 Q In your personal opinion, do you believe that
5 when poultry growers use poultry litter on their
6 fields, that water pollution is likely to result?

04:49PM

7 A I don't believe you can make that statement
8 either.

9 Q I want to walk through and fill in a little
10 additional information about some of your work
11 experiences both in and outside of Peterson Farms
12 and also to touch on some of your background. You
13 got asked today a number of fairly technical
14 questions, and have you received any specialized
15 training in the environmental sciences?

04:49PM

04:49PM

16 A No, I've not.

17 Q Any specialized training in soils?

18 A No, I've not.

19 Q Agronomy?

20 A No, I've not.

04:49PM

21 Q Microbiology?

22 A No, I've not.

23 Q Chemistry?

24 A No, I've not.

25 Q Human health effects?

04:50PM

1 **A** No, I have not.

2 **Q** Sir, do you consider yourself to be qualified
3 by education or experience to offer scientific
4 opinions?

5 **A** Not to offer scientific opinions, no. 04:50PM

6 **Q** Do you consider yourself qualified by
7 education or experience to offer engineering
8 opinions?

9 **A** No, I do not.

10 **Q** When you -- what were you doing, sir, 04:50PM
11 employment-wise, what were you doing when you --
12 just before you were hired by Peterson Farms?

13 **A** I had taken a sabbatical from Wal-Mart
14 Corporation.

15 **Q** You -- when you gave your testimony in 2002, 04:50PM
16 you were back working for Sam's, the Sam's --

17 **A** Uh-huh.

18 **Q** -- in Iowa?

19 **A** Yes.

20 **Q** What location in Iowa? 04:50PM

21 **A** I was a regional marketing manager for the
22 state of Iowa.

23 **Q** And so prior to working at Peterson, had you
24 worked within the Wal-Mart, Sam's group prior to
25 working for Peterson? 04:51PM

1 **A** Yes.

2 **Q** What did you do there?

3 **A** I was an assistant manager and I was regional
4 marketing manager.

5 **Q** In what states or localities? 04:51PM

6 **A** I was in West Virginia, New Jersey and Iowa.

7 **Q** So you have considerable experience in retail;
8 is that a fair characterization?

9 **A** Yes.

10 **Q** When you -- somehow you managed to move back 04:51PM
11 to northwest Arkansas from these faraway places?

12 **A** Uh-huh.

13 **Q** What brought you back to northwest Arkansas?

14 **A** The hope for an opportunity to move into the
15 home office there in Bentonville. 04:51PM

16 **Q** And I just realized my question might have
17 been confusing. The time frame for my question was
18 prior to going to work for Peterson. Is that what
19 you understood I was asking?

20 **A** Uh-huh, uh-huh. 04:52PM

21 **Q** Did you have an opportunity to go into the
22 home office with Wal-Mart?

23 **A** I had a number of interviews but didn't find
24 anything that I felt was something that I wanted to
25 do and took the sabbatical and did some -- put an 04:52PM

1 Q Is this -- who are the primary targets of the
2 training; is this for training new hires into the
3 company?

4 A The trainers that worked for me would work
5 with new hires and then the other part of it were
6 developing programs within the company to hire --
7 excuse me, to work with management, to work with
8 supervisors, work with foremen, helping with their
9 management skills or whatever the case might be.

04:53PM

10 Q So could this training include people who
11 would operate or work on the line in the processing
12 plant?

04:53PM

13 A Yes.

14 Q Could it include like feed delivery drivers?

15 A It could.

04:54PM

16 Q Could it include all the range of employment
17 positions within Peterson Farms?

18 A Yes.

19 Q Now, what were the qualifications for this
20 position as you understood them?

04:54PM

21 A They wanted some experience in a supervisory
22 capacity and some experience having done some
23 training.

24 Q Well, you've already testified that you
25 eventually after a few months were given the title

04:54PM

1 employees and supervisors, between supervisors and
2 supervisors, and just those things that you do when
3 you have a couple of thousand people working for
4 you.

5 Q Did I understand your prior testimony 04:56PM
6 correctly that you got involved in this
7 environmental arena because Peterson had a real need
8 for someone to go represent it at these meetings
9 that were springing up as a consequence of the City
10 of Tulsa issues? 04:56PM

11 A That's what I believed, yes.

12 Q Do you know, sir, why you were given -- excuse
13 me. Do you know why you were given the title of
14 director of environmental affairs?

15 A I would assume because I had some background, 04:56PM
16 I probably as much as anyone had some idea what
17 nitrogen, phosphate and potash was.

18 Q Peterson's processing plant in Decatur are
19 subject to a number of state and federal
20 environmental regulations; is that right? 04:57PM

21 A Yes.

22 Q Did you have any responsibilities relating to
23 the processing plant environmental issues?

24 A None.

25 Q The way I understand your testimony, it sounds 04:57PM

1 like your environmental affairs position was
2 primarily as a liaison between these groups and
3 Peterson Farms; is that a fair characterization?

4 MR. RIGGS: Objection, leading.

5 A Yes, I would say so. 04:57PM

6 Q Did you ever write any environmental policies
7 for Peterson Farms?

8 A Policies? I don't recall that, no.

9 Q Now, at the time you started work at Peterson
10 Farms and three months or so later you said you got 04:57PM
11 involved on the environmental side, at that time how
12 much experience did you have in the poultry
13 industry?

14 A I had no experience in the poultry industry
15 prior to going to work for Peterson. 04:58PM

16 Q Did you find that you had a need to consult
17 with some more experienced people like Mr. Houchins?

18 A On occasions, yes.

19 Q In fact, on these issues, would you defer to
20 Mr. Houchins given his long experience in the 04:58PM
21 poultry business?

22 A Not normally, no.

23 Q Sir, do you believe that during the time you
24 were employed with Peterson Farms and had a basis
25 for an opinion, do you believe that Peterson was an 04:58PM

1 environmentally responsible company?

2 MR. GARREN: Object to the form.

3 A Yes.

4 Q Sir, did you believe that Peterson Farms

5 employed environmentally sound standards for 04:58PM

6 handling, storage, use and disposal of poultry

7 litter?

8 MR. GARREN: Object, predicate.

9 MR. RIGGS: Yeah.

10 A I think it was an ongoing process. I think 04:59PM

11 that -- I mean that was one of my roles, to

12 constantly be looking at ways to do what we were

13 doing better and be better environment stewards.

14 Q And was it your opinion that Peterson Farms'

15 objective was to be the best it could be? 04:59PM

16 MR. GARREN: Objection.

17 MR. RIGGS: Object to the form.

18 A I don't know as I could make that comment.

19 Q Okay. When you left Peterson Farms, what was

20 your very next employment? 04:59PM

21 A I went back to work for Wal-Mart.

22 Q And what was your position?

23 A I was an assistant manager for about five

24 months and then was promoted to general manager of

25 Sam's Club. 04:59PM

1 Q Since you left Peterson Farms, have you held
2 any other positions where you were an environmental
3 manager of any type?

4 A No.

5 Q The poultry water quality handbook that was 04:59PM
6 marked as Exhibit 6 to your deposition, you said
7 that you never have had -- you never have read this
8 thing all the way through; is that true?

9 A That's correct.

10 Q Are you aware that it's got a number of 05:00PM
11 technical articles within it?

12 A Yes, it does.

13 Q Do you know to what extent this science on
14 these issues has advanced since this thing was
15 published in 1998? 05:00PM

16 A I have no idea.

17 Q Sir, do you consider yourself qualified to
18 determine whether or not the studies and articles in
19 that handbook are technically correct?

20 A Based on what I have learned and been told and 05:00PM
21 the various opinions that I've heard, I would have
22 no more an opinion about whether or not I agreed
23 with them.

24 Q Okay, and, well, I was asking whether you're
25 qualified to state the technical -- whether they are 05:01PM